

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA**

UNITED STATES OF AMERICA                   \*           CRIMINAL NO. 07-422

v.   \*           SECTION: N

HARRY TEMPLE                                 \*           VIOLATIONS:

18 U.S.C. §1029(a)(3)  
\*           18 U.S.C. §1029(a)(4)  
18 U.S.C. §1029(a)(8)  
18 U.S.C. §1028A

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**FACTUAL BASIS**

Should this matter have gone to trial, the Government would have proved beyond a reasonable doubt, through the introduction of competent testimony and admissible tangible exhibits including the testimony of special agents of the United States Secret Service, deputies from the Jefferson Parish Sheriff's Office, employees of "Big Lots," employees of "the Home Depot," and others, the following facts to support the allegations charged by the United States Attorney in the Bill of Information now pending against the defendant, **HARRY TEMPLE**.

A sheriff's deputy of the Jefferson Parish Sheriff's Office ("JPSO") would testify that in March of 2007 two "parasitic skimming devices" were found attached to stand-alone automated

teller machines (“ATMs”) within gas stations in Metairie, Louisiana, locations within the Eastern District of Louisiana. Testimony and physical objects would be submitted to show that the first of these devices was found at an Exxon gas station at 3140 Veterans Memorial Boulevard on or about March 26, 2007. Testimony and physical objects would be submitted to show that the second of these devices was found at an Exxon gas station at 2209 Causeway Boulevard on or about March 29, 2007. A JPSO deputy would further testify that pursuant to standard procedure in such cases, the United States Secret Service was contacted in order to assist in the investigation.

Agents from the United States Secret Service and others would testify that the parasitic skimming devices, also known by the term “scanning receivers,” were connected to stand-alone ATMs for the purpose of electronically recording the sounds, signals, beeps, and other electronic identifying information entered when unknowing individuals used said ATMs. Agents from the Secret Service and others would testify that these devices attached to the ATMs were capable of, and did, in fact, record these sounds, signals, and beeps and store such information electronically on an Mp3 player, which would later be used in conjunction with another device or computer to “translate” these sounds into an understandable sequence of sixteen (16) digits corresponding to the compromised user’s debit card number.

Testimony and physical exhibits would further be introduced to show that as a result of the seizure of these two devices, a fingerprint was located on the second device and identified as belonging to the defendant, **HARRY TEMPLE**. Testimony by a sheriff’s deputy of the JPSO would be submitted to show that as a result of the fingerprint’s being identified on one of the devices, the JPSO sought and obtained an arrest warrant for the defendant, **HARRY TEMPLE**. Testimony by an agent of the Secret Service would be submitted to prove that the JPSO and the Secret Service

sought to effect the arrest of the defendant at his last known address of 120 Mandy Drive, Avondale, Louisiana. Testimony of this same Secret Service agent would be submitted to show that when attempting to execute the arrest warrant at the defendant's home in Avondale, certain home improvement products and other items were seen through an open door of a shed. As a result of what was seen in the shed, a search warrant was obtained for the shed and the home itself.

Physical exhibits and competent testimony by agents of the United States Secret Service and deputies from JPSO would be submitted to prove that upon executing the search warrant certain items were seized from the defendant's home. Among these items were more than fifteen (15) blank and "loadable" credit/debit cards; an access device reader, a point of purchase device, and other items and equipment utilized and capable of being used to fraudulently make access devices; items purchased using a debit card account number belonging to "F.F." at a Home Depot in Covington, Louisiana; certain computers and computer-related equipment used for and suitable for use to fraudulently make access devices; and, other components used for and suitable for use in making a scanning receiver, similar to the "parasitic skimming devices" found at the gas stations in Metairie, Louisiana.

Employees of the Home Depot in Covington, Louisiana would testify and authenticate video evidence of an individual matching the description of the defendant, **HARRY TEMPLE**, having purchased several items from said Home Depot, including a Dewalt air compressor on or about March 29, 2007. Employees of the Home Depot would further testify and authenticate certain exhibits showing that F.F.'s debit card number was used to effect the purchase of the air compressor. F.F. would testify that he did not purchase this air compressor, that he does not and has never known the defendant, **HARRY TEMPLE**, that he had been in Southeastern Louisiana prior to March 29,

2007, and that he had used his debit card at a gas station ATM in the period of time prior to his card's being used at the Home Depot in Covington. An agent from the Secret Service and employees of the Home Dept would testify that receipts from the purchase on March 29, 2007 match F.F.'s compromised debit card and that the air compressor and other items were found at and seized from the defendant's residence in Avondale, Louisiana on or around June 6, 2007; all said actions completed in violation of Title 18, United States Code, Section 1029(a)(3), 1029(a)(4), 1029(a)(8), and 1028A.

READ AND APPROVED:

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Counsel for Harry Temple \_\_\_\_/\_\_\_\_/\_\_\_\_

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Assistant U.S. Attorney \_\_\_\_/\_\_\_\_/\_\_\_\_

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HARRY TEMPLE (Date)  
Defendant \_\_\_\_/\_\_\_\_/\_\_\_\_